

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re Terrorist Attacks on September 11, 2001

03 MDL 1570 (GBD) (SN)
ECF Case

This document relates to:

Kathleen Ashton, et al. v. Al Qaeda Islamic Army, et al., Case No. 02 Civ. 6977
Thomas Burnett, Sr., et al. v. Al Baraka Inv. & Dev. Corp., et al., No. 03 Civ.
9849

Federal Insurance Co., et al. v. Al Qaida, et al., No. 03 Civ. 6978
Continental Casualty Co., et al. v. Al Qaeda, et al., No. 04 Civ. 5970
Euro Brokers Inc., et al., v. Al Baraka, et al., No. 04 Civ. 7279
Estate of John P. O'Neill et. al., v. Al Baraka et. al., No. 04 Civ. 1923

**DECLARATION OF PETER C. SALERNO IN SUPPORT
OF DEFENDANT YASSIN KADI'S MOTION
TO EXCLUDE THE TESTIMONY OF VICTOR COMRAS**

Peter C. Salerno declares that the following statement is true:

1. I am a principal in the law firm of Salerno & Rothstein, counsel to defendant Yassin Abdullah Kadi ("Mr. Kadi") in this multi-district litigation and the individual cases listed above. I am a member in good standing of the Bar of the State of New York and of this Court.

2. I submit this Declaration to identify and transmit into evidence the exhibits referenced in Mr. Kadi's Memorandum of Law in Support of His Motion to Exclude the Proposed Testimony of Victor Comras. All statements as to the genuineness of documents are to the best of my information and belief.

3. Exhibit A is a true copy of the Expert Report of Victor D. Comras.

4. Exhibit B is a true copy of the Expert Rebuttal Report of Victor D.

Comras.

5. Exhibit C is a true copy of excerpts from the Transcript of Deposition of Victor Comras taken in this case on July 23, 2021.

6. Exhibit D is a true copy of the Corrigendum to Transcript of Deposition of Victor Comras.

7. Exhibit E is a true copy of excerpts from Victor D. Comras, *Flawed Diplomacy* (2010).

8. Exhibit F is a true copy of a blog post, Victor Comras, *It's Time to Put Yasin Al Kadi Out of Business!*, as it appeared in "Counterterrorism Blog," dated Sept. 20, 2005.

9. Exhibit G is a true copy of excerpts from the Transcript of the Deposition of Jimmy Gurulé taken in this case on July 7, 2021.

10. Exhibit H is a true copy of the report of the Financial Action Task Force of the Organization for Economic Cooperation and Development, "Risk of Terrorist Abuse in Non-Profit Organizations" (June 2014)

11. Exhibit I is a true copy of the Statement of Yassin Abdullah Kadi to OFAC dated Dec. 19, 2002.

12. Exhibit J is a true copy of excerpts from the Transcript of the Deposition of Yassin Kadi taken in this case on July 10, 2018. This copy bears the exhibit stamp from the Comras deposition. The original Comras deposition exhibit consisted of the entire Kadi deposition transcript.

13. Exhibit K is a true copy of the Errata Sheet for the Transcript of Deposition of Yassin Kadi.

14. Exhibit L is true copy of a document titled Answers to Questions Concerning the Petition to Delist Yassin Abdullah Kadi dated July 11, 2003, submitted by Mr. Kadi to OFAC.

15. Exhibit M is a true copy of an FBI memorandum titled “Co-operating Witness Interview,” dated June 2, 2004.

16. Exhibit N is a true copy of excerpts from a Swiss Federal Bureau of Investigation document titled Final Report dated May 20, 2005.

17. Exhibit O is a true copy of excerpts from a Swiss Federal Judicial Police document titled Supplementary Report dated Nov. 5, 2007.

18. Exhibit P is a true copy of a partial version of a document titled *OFAC TDY to Albania April 30, 2002-May 21,2002 – A Review of the Kadi Companies*. This version contains the Bates numbers cited by Victor Comras in his Report that is Exhibit A.

19. Exhibit Q is a true copy of a complete version of the document titled *OFAC TDY to Albania April 30, 2002-May 21,2002 – A Review of the Kadi Companies*.

20. Exhibit R is a true copy of a Treasury Dep’t Press Release dated May 6, 2004 announcing the designation of Al-Haramain & Al Masjed Al-Aqsa Charity Foundation.

21. Exhibit S is a true copy of Treasury Department Press Release JS 1190, dated Feb. 24, 2004, designating Abdul Majeed al-Zindani.

22. Exhibit T is a true copy of excerpts from Peter L. Bergen, *The Osama bin Laden I Know* (2006).

23. Exhibit U is a true copy of a letter from Claude Nicati, Deputy Attorney General, of the Swiss Federal Public Prosecutor’s Office, dated Dec. 17, 2007, stating that the investigation conducted by the office has been terminated.

24. Exhibit V is a true copy of a Treasury Department Press Release dated Sep. 6, 2002, announcing the designation of Wa'el Julaidan.

25. Exhibit W is a true coy of excerpts from Jonathan Benthall and Jérôme Bellion-Jourdan, *The Charitable Crescent* (paperback ed. 2009).

26. Exhibit X is a true copy of a "Memorandum for the Record" dated Jan. 28, 2004, reflecting an interview by 9/11 Commission staff with Patrick J. Fitzgerald.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 31, 2023

/s/
PETER C. SALERNO

(Exhibit List next page)

Exhibits to Declaration of Peter C. Salerno
In Support of Defendant Yassin Kadi's
Motion to Exclude the Testimony of Victor Comras

- A. Expert Report of Victor D. Comras
- B. Expert Rebuttal Report of Victor D. Comras
- C. Excerpts from Transcript of Deposition of Victor Comras in 03 MDL 1570 taken July 23, 2021
- D. Corrigendum to Transcript of Deposition of Victor Comras
- E. Excerpts from Victor D. Comras, *Flawed Diplomacy* (2010)
- F. Victor Comras, *It's Time to Put Yasin Al Kadi Out of Business!*, in "Counterterrorism Blog," dated Sept. 20, 2005
- G. Excerpts from Transcript of Deposition of Jimmy Gurulé in 03 MDL 1570 taken July 7, 2021
- H. FATF, "Risk of Terrorist Abuse in Non-Profit Organizations" (June 2014)
- I. Statement of Yassin Abdullah Kadi to OFAC, dated Dec. 19, 2002
- J. Excerpts from Transcript of Deposition of Yassin Abdullah Kadi in 03 MDL 1570 taken July 10, 2018
- K. Errata Sheet for Transcript of Deposition of Yassin Abdullah Kadi dated Oct. 24, 2018
- L. Answers to Questions Concerning the Petition to Delist Yassin Abdullah Kadi
- M. FBI memorandum, "Co-operating Witness Interview," dated June 2, 2004
- N. Excerpts from Swiss Federal Bureau of Investigation, Final Report dated May 20, 2005
- O. Excerpts from Federal Judicial Police, Supplementary Report dated Nov. 5, 2007
- P. *OFAC TDY to Albania April 30, 2002-May 21,2002 – A Review of the Kadi Companies* (partial version with Bates numbers cited by Victor Comras)

- Q. *OFAC TDY to Albania April 30, 2002-May 21,2002 – A Review of the Kadi Companies*
(complete version)
- R. Treasury Dep’t Press Release dated May 6, 2004 announcing designation of Al-Haramain
& Al Masjed Al-Aqsa Charity Foundation
- S. Treasury Department Press Release JS 1190, dated Feb. 24, 2004, designating Abdul
Majeed al-Zindani
- T. Excerpts from in Peter L. Bergen, *The Osama bin Laden I Know* (2006)
- U. Letter from Deputy Attorney General Claude Nicati dated Dec. 17, 2007 announcing
termination of the Swiss investigation
- V. Treasury Department Press Release dated Sep. 6, 2002, designating Wa’el Julaidan
- W. Jonathan Benthall and Jerome Bellion-Jourdan, *The Charitable Crescent*, Ch. 6
(paperback ed. 2009)
- X. “Memorandum for the Record,” 9/11 Comm’n interview with Patrick J. Fitzgerald (Jan.
28, 2004)

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